



Setti D. Warren
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459


Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Candace Havens
Director

WORKING SESSION MEMORANDUM

DATE: July 12, 2013

TO: Alderman Marcia T. Johnson, Chairman
Members of the Zoning and Planning Committee

FROM: Candace Havens, Director of Planning and Development
James Freas, Chief Planner, Long-Range Planning
Amanda Stout, Senior Economic Development Planner 

RE: #406-12: ALD. JOHNSON requesting a discussion to review City of Newton Zoning Ordinances Chapter 30-20(h)(6) regarding campaign signs, and the failure of candidates to comply with current removal requirements.

MEETING DATE: July 17, 2013

CC: Board of Aldermen
Planning and Development Board
Donnalyn Kahn, City Solicitor
David Olson, City Clerk

INTRODUCTION

The City of Newton Zoning Ordinance regulates political signs in Section 30-20(h)(6)(a)-(h) (see Appendix). These provisions cover the size, location on lot, illumination, and some limits on the content. The docketed item is particularly concerned with item (g) which states, "Election signs may be erected no earlier than forty-five (45) days before an election and shall be removed within forty-eight (48) hours after the election." The Planning Department conducted a preliminary analysis to determine how this ordinance compares to the requirements in other municipalities.

RESEARCH

Massachusetts General Law provides some guidance on political signage, primarily by prohibiting political signage within one hundred and fifty (150) feet of a polling place (M.G.L. c.54 §65). According to a legal summary provided by the Secretary of the Commonwealth of Massachusetts, issues of the

size of signs, number of signs, and time period during which a sign may be exhibited are commonly regulated by municipal by-laws.

Municipality	Time Restriction	Source
City of Newton	45 days before; remove 2 days after election	The Zoning Ordinance §30-20(h)(6)(g) states, "Election signs may be erected no earlier than forty-five (45) days before an election and shall be removed within forty-eight (48) hours after the election."
Town of Brookline	Remove 7 days after election	Brookline places no restrictions prior to the election, but requires that campaign signs be removed 7 days after the election.
Town of Lexington	Remove 7 days after election	The Zoning Code Article XIII §135-70 (E) states: "Signs that advertise or otherwise relate to a particular event (for example, a real estate sign, an election campaign sign or a yard sale sign) shall be removed promptly, and in no event more than 7 days, after the conclusion of the event."
Town of Watertown	45 days before; remove 7 days after election	The Sign Ordinance §7.01(m) notes a "Temporary Non-Accessory Sign refers to an event not related to the premises and may also be in the form of a placard or banner attached to posts or trees on private property only." §7.03(c)(3) states that in all districts, "A temporary non-accessory sign is limited to a period of forty-five (45) days preceding and not over seven (7) days after the relevant event."
City of Somerville	Remove 30 days after election	The Zoning Ordinance §12.3 states that, in Residence Districts, "signs in connection with political campaigns shall be removed within thirty (30) days after the conclusion of the election."
Town of Needham	60 days total	The Town General By-Law §5.2 defines a "temporary sign" as "any sign constructed of paper, cloth, canvas, fabric, cardboard, wallboard, wood, metal, or plastic or other light material, with or without frames, intended to be displayed for a continuous period of not more than sixty days." This regulation is included in the document "Guidelines for Homeowners: Posting Temporary Charitable, Educational, Political, or Religious Signs."
Town of Wellesley	3 periods of 30 days	The Zoning Ordinance §L.4.b. states that, "Lots or

	each; remove 5 days after election	business establishments upon which a temporary sign and/or temporary window sign is allowed, per Table 22A.1, Signage Allowances Based on Zoning District or Use, shall be limited to display such signs for a period not exceeding thirty (30) days with no more than three (3) such thirty (30) day periods permitted per calendar year. Thirty (30) day periods may be utilized consecutively." Table 22A.1 further states, "lots shall be allowed an unlimited number of signs during a period beginning thirty (30) days before and ending five (5) days after any federal, state or local election, ballot initiative and/or referendum."
City of Cambridge	No time limit	Cambridge regulates only the size of temporary political signs not the time limit during which they may be displayed.

IMPLICATIONS

Election Date	45 Days Before	2 Days After
Tuesday, June 25, 2013	Saturday, May 11	Thursday, June 27
Tuesday, November 5, 2013	Saturday, September 21	Thursday, November 7

APPENDIX

Section 30-20: Signs and other advertising devices

(h) Temporary Signs

- (6) ***Election signs.*** Except as otherwise provided in these ordinances, election signs on a single lot shall be allowed in all zoning districts and shall conform to the following:
- a) The face of the sign shall be no higher than and no wider than three (3) feet;
 - b) The total area of all signs on the lot shall not exceed thirty-two (32) square feet;
 - c) Signs may be located anywhere on the lot, but shall not create a traffic safety hazard by blocking visibility of traffic on a public street from a driveway. Signs shall not overhang a public sidewalk; however, where there is no sidewalk, no part of the sign shall be closer than eight (8) feet to the edge of the paved portion of the public way;
 - d) Signs shall not include any names or logos advertising goods, services, or businesses or otherwise constituting commercial speech;
 - e) Signs shall not use obscene language in violation of established community standards;
 - f) Signs shall not be artificially illuminated except as permitted by section 30-20(i)(4);
 - g) Election signs may be erected no earlier than forty-five (45) days before an election and shall be removed within forty-eight (48) hours after the election.
 - h) No more than one (1) election sign per candidate or per ballot issue shall be erected on a single lot.